

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

ALLEN NIMMONS,

Plaintiff,

-against-

DEPARTMENT OF CORRECTIONS, *et al.*,

Defendants.

20-CV-10112 (CM)

ORDER OF DISMISSAL

COLLEEN McMAHON, Chief United States District Judge:

When Plaintiff filed this complaint, he was detained at the Vernon C. Bain Center. By order dated December 3, 2020, the Court directed Plaintiff to either pay the \$400.00 in fees that are required to file a civil action in this court or submit a completed request to proceed *in forma pauperis* (“IFP application”) and prisoner authorization within thirty days. That order alerted Plaintiff that if he failed to comply within the time allowed, the action would be dismissed. (ECF 3.) On December 22, 2020, the order was returned to the Court with a notation on the envelope indicating that Plaintiff is no longer held at that facility. Plaintiff has not complied with the Court’s order, has failed to notify the Court of a change of mailing address, and has not initiated any further contact with the Court, written or otherwise. Accordingly, Plaintiff’s complaint, filed IFP pursuant to 28 U.S.C. § 1915(a)(1), is dismissed without prejudice. *See* 28 U.S.C. §§ 1914, 1915.

The Clerk of Court is directed to mail a copy of this order to Plaintiff at his last known address and note service on the docket.

The Court certifies under 28 U.S.C. § 1915(a)(3) that any appeal from this order would not be taken in good faith, and therefore IFP status is denied for the purpose of an appeal. *Cf.*

Coppedge v. United States, 369 U.S. 438, 444–45 (1962) (holding that an appellant demonstrates good faith when he seeks review of a nonfrivolous issue).

SO ORDERED.

Dated: January 20, 2021
New York, New York

A handwritten signature in black ink, appearing to read "Colleen McMahon", is written above a horizontal line.

COLLEEN McMAHON
Chief United States District Judge